IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9163 OF 2004

Veronica Sequeira ...Petitioner

Versus

M/s. Rane Elastomer Processor and others ...Respondents

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Mr. A.G. Toraskar, counsel for Petitioner

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CORAM: B. H. MARLAPALLE, J.

DATED: 17TH JANUARY, 2005

P.C.:-

1. Heard Mr. Toraskar, the learned counsel for the Petitioner who has challenged the award passed by the 7th Labour Court at Mumbai in Reference (IDA) No.590 of 1989.

2. By order dated 8.9.1988 she was retrenched from service and an amount of Rs.18,974/- was offered to her by cheque No. 017959 of the same day. She submitted a representation against the said order of retrenchment on or about 6.10.1988 demanding reinstatement in the employment of respondent No.1. In the Reference, the respondent No.1 filed written statement and similarly the remaining respondents also opposed the Reference by filing written

statement. A preliminary objection was raised regarding the maintainability of the Reference and it was answered against the employer.

3. The only issue that was required to be considered by the Labour Court was the legality of the retrenchment order. The petitioner herself while in the witness box admitted that she was employed by respondent No.1 and her salary was also paid by the same establishment. The record before the Labour Court indicated that at any point of time there were only 11 workers though the fluctuating strength was 33. The retrenchment order dated 8.9.88 itself gave the details of financial dues including retrenchment compensation of Rs.6000/- and one months wages in lieu of notice at Rs.2000/-. The Labour Court has also considered the evidence brought before it by the employer through the depositions of witness No.2 Shri. Chimanlal Patel. The Labour Court also noted that in her representation dated 6.10.1988, the petitioner did not take a plea that the order of retrenchment was without compliance of the requirements of Section 25 F of the Industrial Dispute Act, 1947.

4. A review application was filed and the same has also been rejected by the Labour Court on 22.9.2003. The employer appears to have discharged its burden by

placing the record before the Labour Court to show that the impugned retrenchment order was in compliance with the requirement of section 25 F of Industrial Disputes Act, 1947 and in any case the employer did not employ more than 11 employees on any given date. The petitioner came to be employed as a school teacher in 1995 onwards and she continued in that capacity.

5. No interference is called for in the impugned award and the subsequent order dated 22.9.2003 rejecting the review application, under the supervisory powers of this Court.

6. Hence, the petition is rejected summarily.